

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. OR 16-421

AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO THE CITY OF STOCKBRIDGE AND TO AMEND THE OFFICIAL ZONING MAP, CITY OF STOCKBRIDGE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to annex certain property into the City and to modify the zoning designation of certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. The property described in Exhibit "A" (the "Property"), a copy of which is attached hereto and incorporated herein by reference, is hereby annexed into the City of Stockbridge, Georgia pursuant to the authority of O.C.G.A. Sections 36-36-1 *et seq.* and 36-36-90 *et seq.*

Section 2. Pursuant to the Official Code of Georgia Annotated Section 36-66-4(e) and the provisions of the Zoning Code of the City of Stockbridge, Georgia, the property described in

Exhibit "A," is automatically zoned by the City through the operation of said Section for the same use for which the property was zoned immediately prior to annexation (C-2, General Commercial District), Until the rezoning is indicated on the City of Stockbridge Official Zoning Map approved by Mayor and Council, this Ordinance shall govern over the City of Stockbridge Official Zoning Map approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Stockbridge Official Zoning Map approved by Mayor and Council.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,

clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 16th day of December, 2016.

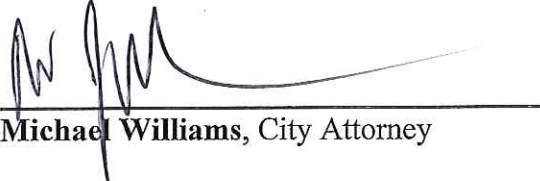
CITY OF STOCKBRIDGE, GEORGIA


Judy Neal, Mayor

ATTEST:


Vanessa Holiday, City Clerk

APPROVED AS TO FORM:


Michael Williams, City Attorney

Date Presented to Mayor: 12-19-2016

Date Received from Mayor: 12-20-2016

EXHIBIT "A"



Annexation Report
City of Stockbridge Zoning Advisory Board

City of Stockbridge Planning & Zoning

AX16-50

Applicant: Spirit Master Funding VI LLC
16767 N Perimeter Dr. STE 210
Scottsdale, AZ 85260

Agent: Jodeco Atlanta South, LLC
P.O. Box 18713

Location: 2153 Jodeco Road

Parcel ID(s): 053B06001000

Request: Annexation through the 100% method.

Lot Size: 1.44 +/- Acres

Zoning History: The subject property is currently zoned C2 (General Commercial).

Current Land Use: Restaurant

Future Land Use: Commercial

Proposed Use /Purpose: Commercial

Table 1.0 Current Zoning and Land Use of Surrounding Properties

Current Zoning		Current Land Use
North	C2 (General Commercial)	GDOT Property
East	C2 (General Commercial) and R3 (Single Family Residential)	Strip Shopping Center and Single Family Residences
South	R3 (Single Family Residential)	Single Family Residences
West	RA (Residential Agricultural) and C3 (Highway Commercial)	Interstate and Vacant

Source: Henry County Zoning Map

Estimated Costs of Future Municipal Services:

- There is not an estimated increase in cost of services for this property.

Executive Summary:

Representatives of Spirit Master Funding VI LLC have submitted a request for their property to be annexed into the City limits. Property is currently a Hardee's Restaurant.

Attachments:

- HCTA Map
- Application for Annexation Packet



CITY OF STOCKBRIDGE | APPLICATION FOR ANNEXATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

Annexation No: AX16-58

Date: 11-10-2016

Received by: Taneisa Holiday

RECEIVED

NOV 10 2016

TYPE OF ANNEXATION

City Clerk's Office

☐ **60% Method:** Petitioners owning at least 60% of the property in the area to be annexed, and at least 60% of the voters in an area, may seek to have their property annexed into an adjacent city.

☒ **100% Method:** Property owners of all the land in an area may seek to have their property annexed into an adjacent city by signing a petition.

Property Address: 3056 Jodeco Road (Parcel 053B-06001000)

Is this property contiguous to the city limits? ☒ Yes ☐ No

LAND USE AND ZONING

County: Henry

County Zoning Classification: C-2

Present Land Use: Restaurant-Fast Food

Requested Zoning Classification: C-2

PROPERTY OWNER

Name: Spirit Master Funding VI LLC, a Delaware limited liability company
By Spirit Master Manager, LLC, a Delaware limited liability company, its Manager

Mailing Address: 2727 N. Harwood Street, Suite 300 / Dallas, Texas 75201

Telephone: (480) 606-0820

Email: _____

Signature: [Signature]

Date: November 3, 2016

* If this application is submitted pursuant to the 60% Method, please attach additional names, signatures, addresses, dates of signature, and elector/landowners information on a separate sheet.

APPLICANT

Name: Jodeco Atlanta South, LLC

Mailing Address: P.O. Box 18713 / Huntsville, Alabama 35804

Telephone: (256) 489-4157

Email: max@rexcip.com

Signature: [Signature]

Date: November 3, 2016

PLEASE DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Signature: [Signature]

Date: 11/10/2016



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an annexation of the property.

Name:

Spirit Master Funding VI LLC, a Delaware limited liability company

By: Spirit SFE Manager, LLC, a Delaware limited liability company, its manager

Property Address: 3056 Jodeco Road (Parcel 053B-06001000)

Telephone: (480) 606-0820

Email: _____

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

Signature: _____

Date: 11/9/16

Personally appeared before me

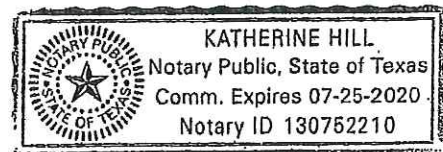
Daniel Rosenberg

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Katherine Hill
Notary Public

11/9/2016
Date

(Affix Seal Here)



Print

JODECO ATLANTA SOUTH, LLC
P.O. Box 18713
Huntsville, Alabama 35804

November 3, 2016

VIA Email and Hand Delivery

Spirit Master Funding VI LLC
2727 N. Harwood Street, Suite 300
Dallas, Texas 75201
Attn: Ms. Courtney Avakian

Re: That certain City of Stockbridge Annexation Checklist for the application for annexation into the City of Stockbridge (the "**Annexation Application**") for certain property located at 3056 Jodeco Road (Parcel 053B-06001000), Henry County, GA (the "**Property**") owned by Spirit Master Funding VI LLC ("**Owner**")

Agreement to payment of costs related to Annexation Application

Dear Ms. Avakian:

As discussed, please allow this letter to serve as the binding agreement of Jodeco Atlanta South, LLC ("**JAS**") to be responsible for all costs and expenses which may be owed or incurred by Owner and/or its tenant in connection with (i) the filing of the above-referenced Annexation Application and/or (ii) the annexation of the Property into the City of Stockbridge. JAS shall pay any fees or costs required in connection with the Annexation Application or the annexation itself; provided, however, that if Owner pays such costs initially or incurs any such expense in the first instance, then JAS shall reimburse Owner within ten (10) days following JAS' receipt of an invoice and reasonable supporting documentation evidencing such cost. Notwithstanding anything contained herein to the contrary, Owner is under no obligation to pay any fees or costs related to the Annexation Application or the annexation of the Property into the City of Stockbridge.

This Letter may be executed and delivered by electronic transmission of a scanned image (in .PDF format or otherwise). Please contact the undersigned should you have any questions with respect to the terms of this Letter.

Sincerely

JODECO ATLANTA SOUTH, LLC



Max J. Grelrier

cc: Ms. Tracy Hopkins-Tindall (via email)
Mr. Remy Gross (via email)
Mr. Odie Fakhouri (via email)
Jeremy D. Cohen, Esq. (via email)

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2015 JAN -5 AM 11:13

BK: 13874 PG: 132-135

Filed and Recorded Jan-05-2015 12:35:45PM

DOC#: 02015-000236

Real Estate Transfer Tax Paid \$1,270.00

0752014008861

BARBARA A. HARRISON

CLERK OF SUPERIOR COURT Henry County GA.

PREPARED BY:

Reed Smith LLP
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Attention: Stephen M. Lyons III, Esq.

When Recorded Return To:
Heather Townsend
National Commercial Services
First American Title Insurance Company
Six Concourse Parkway, Ste. 2000
Atlanta, GA 30328

669427 6A11

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED, is made this 26 day of November 2014, between SPIRIT MASTER FUNDING IV, LLC, a Delaware limited liability company, as party of the first part, hereinafter called Grantor, and SPIRIT MASTER FUNDING VI, LLC, a Delaware limited liability company, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT the said Grantor for the consideration of Ten Dollars (\$10.00) and other considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby convey unto the said Grantee, its successors and assigns, all of Grantor's right, title and interest in and to that certain real property situated in Henry County, Georgia, legally described on Exhibit A hereto, together with (a) any and all improvements on such real property; (b) all fixtures affixed to such real property or any improvements thereon; (c) all mineral, oil and gas rights, water rights, sewer rights and other utility rights allocated to such real property; (d) all leases and rental agreements relating to the real property (and improvements thereon) or any portion thereof; and (e) all appurtenances, easements, licenses, privileges and other property interests belonging

#P03712
Henry County, GA

US_ACTIVE-11007005.1

BK: 13874 PG: 133

or appurtenant to such real property (the real property described on Exhibit A, and all of the foregoing items in clauses (a) through (e) above, now or hereafter existing, are referred to collectively as the "Property"), subject to current taxes and assessments, reservations in patents, all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities and other matters as may appear of record, and all matters which an accurate survey of the Property or a physical inspection of the Property would disclose.

BEING in all respects the same property conveyed to Grantor by that certain Limited Warranty Deed from Smart Growth Resources, LLC, a Colorado limited liability company, dated December 24, 2013 and recorded on January 14, 2014, in Deed Book 13443, Page 212-215, in the Records of Henry County, Georgia.

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behalf of Grantee, its successors and assigns forever, in fee simple.

AND Grantor will warrant and defend title to the Property against all acts of Grantor but against none other, subject to the matters set forth above.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

BK: 13874 PG: 135

EXHIBIT A

LEGAL DESCRIPTION

Street Address: 3056 Jodeco Rd., McDonough, GA

All that tract or parcel of land lying and being in Land Lot 79 of the 6th District, Henry County, Georgia, and being more particularly described as follows:

Beginning at a 1/2 inch rebar set at the intersection of the southerly right-of-way of Jodeco Road (AKA S.R. 351 - Right-of-Way varies) and the westerly right-of-way of Meadowbrook Drive (30 foot Right-of-Way); thence along the westerly right-of-way of Meadowbrook Drive along a curve to the right an arc distance of 198.89 feet (said arc being subtended by a chord bearing South 12 degrees 32 minutes 35 seconds East a distance of 198.81 feet and a radius of 1,952.00 feet) to a 1/2 inch rebar set; thence along said right-of-way South 08 degrees 18 minutes 40 seconds East a distance of 135.26 feet to a 1 inch pipe found; thence South 81 degrees 37 minutes 20 seconds West a distance 199.79 feet to a 1/2 inch rebar found on the easterly right-of-way of Interstate 75; thence along the Easterly right-of-way of Interstate 75 North 08 degrees 27 minutes 39 seconds West a distance of 99.71 feet to a 1/2 inch rebar found; thence along said right-of-way North 08 degrees 15 minutes 15 seconds West a distance of 203.71 feet to a 1/2 inch rebar set on the southerly right-of-way of Jodeco Road; thence along the southerly right-of-way of Jodeco Road North 72 degrees 59 minutes 18 seconds East a distance of 187.33 feet to a 1/2 inch rebar set and the point of beginning; said tract contains 1.4454 acres of land.

Less and Except 0.003 acres, more or less, as conveyed to the Department of Transportation, and their successors in office, as described in Right of Way Deed recorded in Book 12007, Page 329 Henry County, Georgia records.

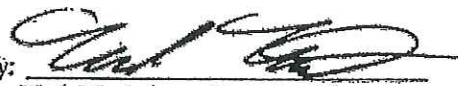
BK: 13874 PG: 134

IN WITNESS WHEREOF, Grantor has caused these presents to be duly executed under seal the day, month and year first above written.

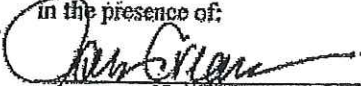
GRANTOR:

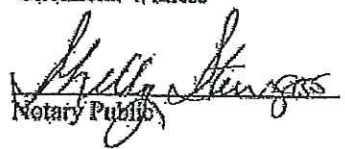
SPIRIT MASTER FUNDING IV, LLC, a
Delaware limited liability company

By: Spirit SPE Manager, LLC, a Delaware
limited liability company, its manager

By: 
Mark Manheimer, Executive Vice
President

Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

My Commission Expires:

12.12.16

[NOTARIAL SEAL]

Attest: 

Name: JULIANNE BLANCHETTE
Title: Asst. Secretary



Georgia

S-1